

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :
:
v. : **CRIMINAL NO. 05-440**
:
ALTON COLES, ET AL. :

GOVERNMENT’S RESPONSE TO DEFENDANT COLES’S STATED INTENTION TO PLAY PORTIONS OF A VIDEO AT TRIAL

The United States of America, by and through its undersigned attorneys, respectfully responds to defendant Alton Coles's stated intention to play portions of the video New Jack City: The Next Generation, during his expected testimony next week.

For the reasons previously articulated in the government’s trial memorandum, at pages 53 through 57, the government believes that certain portions of the video are directly relevant to proving the government’s case. These portions include (i) a meeting between Coles and his associates, including defendant Baukman and certain unindicted conspirators, where Coles tells them that he intends to switch from selling powder cocaine to crack cocaine, and suggests that he will no longer be using the King as a source of drugs; (ii) a scene involving Baukman and others who are shown cooking what looks like powder cocaine into crack cocaine, and bagging the crack cocaine for sale on the streets; (iii) a meeting between co-defendant Jamar Cambell and others, who are sitting around a table while cleaning and loading their firearms in anticipation of executing the King; (iv) a scene where Coles, Campbell, and others are about to kill the King; and (v) a scene involving one of Coles’s “rappers,” Anwar Berryman, also known as “Bugsy,” who is holding the same weapon that Campbell was holding in the earlier scene. Clips of these scenes previously have been provided to defense counsel and the Court.

To the extent that defendant Coles would like to play more scenes from the video,

the government does not object, with one exception. One scene involving clothing-challenged women in a hot-tub is not appropriate to show the jury. It is purely prurient, does not advance any argument of Coles that he is not guilty of the counts in which he is charged, and should be excluded from any presentation at trial. Other than that, the government has no objection to Coles's request to play the video.

The government notes that only defendant Thais Thompson appears to object to the playing of this video. The government is willing to stipulate that Thompson does not appear in the video and, in fact, had nothing to do with the production of the video. There simply is no risk of spillover prejudice to Thompson.

Respectfully submitted,

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/s/ Michael J. Bresnick
MICHAEL J. BRESNICK
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DATE: February 8, 2008

CERTIFICATE OF SERVICE

Michael J. Bresnick, Assistant United States Attorney, hereby certifies that a true and correct copy of the within Government's response has been served by me this date, by electronic filing, upon the following:

SEE ATTACHED LIST

/s/ Michael J. Bresnick

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